



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 38005-0087

Applicant: Heinrich HEIDTMANN et al.

Confirmation No.: 9582

Appl. No.: 09/256,237

Examiner: Minh Tam B. Davis

Filing Date: February 24, 1999

Art Unit: 1642

Title: NUCLEIC ACID CONSTRUCT FOR EXPRESSING ACTIVE
SUBSTANCES WHICH CAN BE ACTIVATED BY PROTEASES AND
PREPARATION AND USE

TECH CENTER 1600/2900

RECEIVED
OCT 18 2002

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on the attached Form PTO/SB/08A is a document known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 C.F.R. §1.56. A copy of the listed document is being submitted to comply with the provisions of 37 C.F.R. §1.97-§1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

10/17/2002 SSITHIB1 00000012 09256237

01 FC:1806

180.00 OP

TIMING/FEE

The instant Information Disclosure Statement is being filed after the mailing of a Final Office action on the merits but before the mailing date of a notice of allowance under §1.311. The required fee in the amount of \$180.00 in accordance with 37 C.F.R. §1.17(p) is attached. The

U.S. Serial No.: 09/256,237

Attorney Docket No.: 38005-0087

Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

RELEVANCE

References Nos. 1-5 were cited in the Turkish Search Report of the German Patent and Trademark Office received by Applicants on May 15, 2002. Reference No. 1 is the priority of this application. Reference No. 6 was cited by the Australian Examiner in an action of August 1, 2000.

Applicants respectfully request that the listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with M.P.E.P. §609.

Respectfully submitted,

Date: October 15, 2002

By Patricia D. Granados

HELLER EHRMAN WHITE & MCAULIFFE
1666 K Street, N.W., Suite 300
Washington, DC 20006
Telephone: (202)
Facsimile: (202) 912-2020

Patricia D. Granados
Attorney for Applicant
Registration No. 33,683
Customer No. 26633



26633

PATENT TRADEMARK OFFICE